

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
Western Division

**JAMES E. BERNARD, JR.,**

**Plaintiff,**

**vs.**

**No.: 2:13-cv-2024-SHM-cgc**

**ILLINOIS CENTRAL RAILROAD COMPANY,**

**Defendant.**

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**ORDER TO SHOW CAUSE**

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On November 1, 2013, Defendant Illinois Central Railroad filed its Motion to Dismiss. (D.E. # 26). Local Rule 12.1 provides that “[a] party opposing a motion to dismiss must file a response within 28 days after the motion is served.” To date, Plaintiff has not filed a response to the motion.

Accordingly, **the Court ORDERS Plaintiff to show cause within fourteen (14) days of the entry of this Order** as to why the Court should not consider the Motion on the record before it and enter a Report and Recommendation recommending to the District Court that the Motion to Dismiss docketed at D.E. # 26 be granted pursuant to Fed. R. Civ. P. 12. The Clerk of Court is directed to mail a copy of this Order to the plaintiff via US Mail, return receipt requested.

IT IS SO ORDERED this 6<sup>th</sup> day of February, 2014.

s/Charmiane G. Claxton  
CHARMIANE G. CLAXTON  
UNITED STATES MAGISTRATE JUDGE